

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

FILED

2006 MAR -7 A 7:56

AMANDA N. SEEGER,  
Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,  
Defendant.

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) Civ. No. 3:05-CV-405  
) (PHILLIPS/GUYTON)  
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U.S. DISTRICT COURT  
EASTERN DIST. TENN.  
DEPT. CLERK  
BY \_\_\_\_\_ DEPT. CLERK

**ORDER OF REMAND UNDER SENTENCE FOUR**  
**OF 42 U.S.C. § 405(g)**

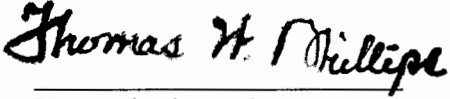
Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

Upon remand, an Administrative Law Judge (ALJ) will obtain a consultative mental status examination, with psychological testing and a medical assessment of Plaintiff's ability to perform work-related activities. The examiner(s) will be asked to comment specifically as to Plaintiff's degree of cooperation, motivation, and effort, as well as the apparent validity of the testing results. The ALJ will take any further actions necessary to complete the administrative

record, such as obtaining updated medical reports from Plaintiff's treating source(s). If warranted, evidence from a medical expert as to the nature and severity of Plaintiff's impairments will be obtained. Likewise, if warranted, evidence from a vocational expert will be obtained, consistent with the requirements of Social Security Ruling 00-4p, regarding the existence of jobs Plaintiff could perform.

If a fully favorable decision can be rendered by the ALJ based upon a review of the updated record without the benefit of additional testimony, then a hearing will not be necessary. Otherwise, the ALJ will conduct a supplemental hearing where Plaintiff will be allowed to present any additional evidence and will be afforded the opportunity to testify. The ALJ will then issue a new decision.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

  
U. S. District Judge

Proposed by:

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